IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.370 OF 2004

Shoukat Ismile Shaikh & Anr. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.R.S.Kate for Applicants.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent No.1.

Ms.Ruchita Ambekar for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

MARCH 23, 2005.

P.C.

1. Heard Counsel for the parties.

2. Rule. Rule made returnable forthwith, by consent. Mr.Konde-Deshmukh, learned A.P.P. waives notice for Respondent No.1. Ms.Ambekar waives notice for Respondent No.2.

3. As short question is involved, the matter

is taken up for final disposal forthwith, by consent.

4. The Applicants have been convicted by the Trial Court for offence punishable under Section 307 read with Section 34 of the Indian Penal Code and were sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.1,000/- (Rupees One Thousand) each, in default, to suffer rigorous imprisonment for three months in Sessions Case No.42 of 1995. That decision has been confirmed by the Appellate Court.

5. However, during the pendency of the proceedings, it is stated that the Applicants and the Respondent No.2 have amicably resolved all the disputes and the Respondent No.2 being first informant, is no more interested in precipitating the matter. The Respondent No.2 has no objection if the sentence imposed by the Trial Court is reduced to one already undergone by the Applicants, which is stated to be over eight months.

6. Accordingly, this Revision succeeds by

modifying the order of sentence imposed by the Court below to one already undergone by the Applicants.

7. Bail-bonds of the Applicants to stand cancelled.

8. Rule made absolute on the above terms. Application disposed of.

A.M.KHANWILKAR, J.